

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

DEC 03 2010

LAWRENCE K. BAERMAN, CLERK  
ALBANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

GIRIDHAR C. SEKHAR,

Defendant.  
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**INDICTMENT**

Criminal No. 10-CR-0573-TJM

Seven Felony Counts

[VIO: 18 U.S.C. § 1951(a) & 18 U.S.C. § 875(d)]

[County of Offense: Albany]

**COUNT ONE**

(Extortion)

**INTRODUCTION**

At all times material to this Indictment:

1. FA Technology Ventures Corporation ("FA Technology") was a venture capital and private equity investment company with offices in Boston, Massachusetts and Albany, New York.

2. The defendant, **GIRIDHAR C. SEKHAR**, was employed as a managing partner of FA Technology and resided in Brookline, Massachusetts.

3. The New York State Common Retirement Fund held assets in trust for public employees, and, as its sole trustee and manager, the New York State Comptroller, relying on his staff in the Office of the Comptroller, including, among others, his General Counsel (the "General Counsel"), decided whether to commit to proposed investments of the New York State Common Retirement Fund's assets generating, among other things, management fees and a percentage of profits earned for the entities investing the assets.

**THE PROPOSED FA TECHNOLOGY COMMITMENT**

4. In or about October 2009, the Comptroller and his staff, including the General Counsel, were considering whether the Comptroller should commit to invest \$35 million of Common Retirement Fund assets in funds managed by FA Technology (the "Commitment"). If the Comptroller had made the Commitment, then FA Technology, either directly or through one of its funds, would have earned management fees and a percentage of profits generated.

5. In or about November 2009, following the General Counsel's October 26, 2009 recommendation that the Commitment not be approved, the Comptroller or his staff decided not to approve the Commitment, and the Comptroller's staff informally advised FA Technology of the decision.

6. From on or about November 17, 2009 and continuing through on or about December 1, 2009, in the State and Northern District of New York and elsewhere, the defendant,

**GIRIDHAR C. SEKHAR**

did affect and attempt to affect commerce by extortion, that is by attempting to obtain property from another with his consent induced by the wrongful use of fear and threatened fear, to wit, the defendant did attempt to obtain the Commitment, the Comptroller's approval of the Commitment, and the General Counsel's recommendation to approve the Commitment, with the General Counsel's consent, induced by threatening to disclose the General Counsel's alleged extramarital affair.

All in violation of Title 18, United States Code, Section 1951(a).

**COUNTS TWO THROUGH SEVEN**  
(Interstate Transmission of an Extortionate Threat)

7. Paragraphs One through Six are hereby realleged and incorporated by reference as if fully set forth herein.

8. On or about the following dates, in the State and Northern District of New York and elsewhere, the defendant,

**GIRIDHAR C. SEKHAR**

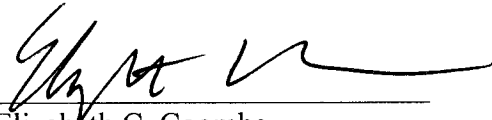
knowingly and with the intent to extort from any person, firm, association, or corporation a thing of value, transmitted in interstate commerce a communication containing a threat to injure the reputation of the addressee, to wit, the defendant, knowingly and with the intent to extort (1) from the Comptroller (a) the Commitment, (b) approval of the Commitment, and (c) the General Counsel's recommendation to approve the Commitment, and (2) from the General Counsel his recommendation to approve the Commitment, transmitted electronic mail messages to the General Counsel using the electronic mail address nyethics@yahoo.com threatening to injure the General Counsel's reputation by disclosing the General Counsel's alleged extramarital affair, and those electronic mail messages traveled from, through, and to the following locations:

<u><b>Count</b></u>	<u><b>Date</b></u>	<u><b>From/Through</b></u>	<u><b>To</b></u>
<b>Two</b>	11/18/09	Jersey City, NJ	Albany, NY
<b>Three</b>	11/18/09	Brookline, MA	Albany, NY
<b>Four</b>	11/19/09	Brookline, MA	Albany, NY
<b>Five</b>	11/19/09	Jersey City, NJ	Albany, NY
<b>Six</b>	11/23/09	Jersey City, NJ	Albany, NY
<b>Seven</b>	12/1/09	Brookline, MA	Albany, NY

All in violation of Title 18, United States Code, Section 875(d).

RICHARD S. HARTUNIAN  
UNITED STATES ATTORNEY

By:

A handwritten signature in black ink, appearing to read 'Elizabeth C. Coombe', written over a horizontal line.

Elizabeth C. Coombe  
Assistant U.S. Attorney  
NDNY Bar Roll Number 511925